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U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS

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United States District Court

DATE: SEPTEMBER 21, 2007 **ern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)**

CIVIL DOCKET FOR CASE #: 1:07-cv-02178

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CV'07-1405 KI

Vanguard Products Group, Inc. et al v. Merchandising
Technologies, Inc.

Assigned to: Honorable Joan B. Gottschall

Cause: 35:271 Patent Infringement

Date Filed: 04/19/2007

Date Terminated: 08/21/2007

Jury Demand: Plaintiff

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

Plaintiff

Vanguard Products Group, Inc.

represented by **David Joseph Marr**

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Plaintiff

Telefonix, Inc.

both Illinois corporations

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V.

Defendant

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Date Filed	#	Docket Text
04/19/2007	<u>1</u>	COMPLAINT filed by Vanguard Products Group, Inc., Telefonix, Inc.; Jury Demand.(rp,) (Entered: 04/23/2007)
04/19/2007	<u>2</u>	CIVIL Cover Sheet. (rp,) (Entered: 04/23/2007)
04/19/2007	<u>3</u>	ATTORNEY Appearance for Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. by David Joseph Marr. (rp,) (Entered: 04/23/2007)
04/19/2007	<u>4</u>	ATTORNEY Appearance for Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. by James Arthur O'Malley. (rp,) (Entered: 04/23/2007)
04/19/2007	<u>5</u>	ATTORNEY Appearance for Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. by William F Ward, III. (rp,) (Entered: 04/23/2007)
04/19/2007	<u>6</u>	STATEMENT by Vanguard Products Group, Inc., Telefonix, Inc. pursuant to Local Rule 3.2 (rp,) (Entered: 04/23/2007)
04/19/2007	<u>7</u>	NOTICE by Vanguard Products Group, Inc., Telefonix, Inc. of Claims involving a Patent. (rp,) (Entered: 04/23/2007)
04/19/2007	<u>8</u>	(Court only) RECEIPT regarding payment of filing fee paid on 4/19/2007 in the amount of \$350.00, receipt number 10429555. (rp,) (Entered: 04/23/2007)
04/19/2007	<u>9</u>	SUMMONS Issued as to Defendant Merchandising Technologies, Inc. (rp,) (Entered: 04/23/2007)
04/23/2007	<u>10</u>	MAILED patent report to Patent Trademark Office, Alexandria, VA. (rp,) (Entered: 04/23/2007)
05/08/2007	<u>11</u>	MINUTE entry before Judge Joan B. Gottschall :Status hearing set for 6/27/2007 at 09:30 AM. Plaintiff is directed to advise the defendants of the status hearing forthwith. Parties are directed to discuss settlement of case, consent to proceed before the Magistrate Judge and a proposed discovery plan. Mailed notice (rj,) (Entered: 05/08/2007)

05/09/2007	<u>16</u>	AFFIDAVIT of Service filed by Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. regarding Complaint and Summons served on Merchandising Technologies, Inc. upon Carrie Chase on 4/24/2007. (gej,) (Entered: 05/11/2007)
05/10/2007	<u>17</u>	NOTICE by William F. Ward of Change of Address. (cem) (Entered: 05/14/2007)
05/11/2007	<u>11</u>	ATTORNEY Appearance for Defendant Merchandising Technologies, Inc. by Thomas C. McDonough (McDonough, Thomas) (Entered: 05/11/2007)
05/11/2007	<u>12</u>	ATTORNEY Appearance for Defendant Merchandising Technologies, Inc. by Lara V. Hirshfeld (Hirshfeld, Lara) (Entered: 05/11/2007)
05/11/2007	<u>13</u>	ATTORNEY Appearance for Defendant Merchandising Technologies, Inc. by Robert Edward Browne (Browne, Robert) (Entered: 05/11/2007)
05/11/2007	<u>14</u>	MOTION by Defendant Merchandising Technologies, Inc. for extension of time to file answer <i>or Otherwise Plead</i> (Browne, Robert) (Entered: 05/11/2007)
05/11/2007	<u>15</u>	NOTICE of Motion by Robert Edward Browne for presentment of motion for extension of time to file answer <u>14</u> (Browne, Robert) (Entered: 05/11/2007)
05/14/2007	<u>18</u>	MEMORANDMUM by Vanguard Products Group, Inc., Telefonix, Inc. in Opposition to motion for extension of time to file answer <u>14</u> (Marr, David) (Entered: 05/14/2007)
05/17/2007	<u>19</u>	MINUTE entry before Judge Joan B. Gottschall : Motion hearing held on 5/17/2007. MOTION by Defendant Merchandising Technologies, Inc. for extension of time to file answer or Otherwise Plead by 6/13/2007 <u>14</u> is granted. Briefing schedule as to Defendant' motion to dismiss is as follows: Defendant's motion to dismiss is due by 6/13/2007. Response by 7/16/2007. Reply in support by 7/30/2007. Ruling by mail. Mailed notice (rj,) (Entered: 05/21/2007)
06/04/2007	<u>20</u>	MOTION by Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. for preliminary injunction (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H)(Marr, David) (Entered: 06/04/2007)
06/04/2007	<u>21</u>	NOTICE of Motion by David Joseph Marr for presentment of motion for preliminary injunction <u>20</u> before Honorable Joan B. Gottschall on 6/7/2007 at 09:30 AM. (Marr, David) (Entered: 06/04/2007)
06/07/2007	<u>22</u>	MINUTE entry before Judge Joan B. Gottschall :Motion hearing held on 6/7/2007. Briefing schedule as to MOTION by Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. for preliminary injunction <u>20</u> is as follows: Responses due by 6/21/2007. Replies due by 6/28/2007. Ruling by mail. If deemed necessary, the court will set hearing with it's ruling by mail. Mailed notice (rj,) (Entered: 06/11/2007)
06/13/2007	<u>23</u>	MOTION by Defendant Merchandising Technologies, Inc. to change venue (McDonough, Thomas) (Entered: 06/13/2007)
06/13/2007	<u>24</u>	MEMORANDUM by Merchandising Technologies, Inc. in support of motion to change venue <u>23</u> (Attachments: # <u>1</u> Declaration of Nancie K. Potter# <u>2</u> Exhibit 1 to Nancie Potter Declaration# <u>3</u> Exhibit 2 to Nancie Potter Declaration# <u>4</u> Exhibit

		3 to Nancie Potter Declaration# <u>5</u> Exhibit 4 to Nancie Potter Declaration# <u>6</u> Exhibit 5 to Nancie Potter Declaration# <u>7</u> Exhibit 6 to Nancie Potter Declaration# <u>8</u> Exhibit 7 to Nancie Potter Declaration# <u>9</u> Exhibit 8 to Nancie Potter Declaration# <u>10</u> Exhibit 9 to Nancie Potter Declaration# <u>11</u> Exhibit 10 to Nancie Potter Declaration# <u>12</u> Exhibit 11 to Nancie Potter Declaration# <u>13</u> Declaration of Michael J. Cook# <u>14</u> Exhibit 1 to Michael Cook Declaration)(McDonough, Thomas) (Entered: 06/13/2007)
06/13/2007	● <u>25</u>	NOTICE by Merchandising Technologies, Inc. re memorandum in support of motion,, <u>24</u> , MOTION by Defendant Merchandising Technologies, Inc. to change venue <u>23</u> (McDonough, Thomas) (Entered: 06/13/2007)
06/18/2007	● <u>26</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Merchandising Technologies, Inc. by Paul B. George; Order entered granting leave by Judge Joan B. Gottschall. Filing fee \$50.00 paid, receipt number 10723273 (hp,) (Entered: 06/20/2007)
06/18/2007	● <u>27</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Merchandising Technologies, Inc. by Nancie K. Potter; Order entered granting leave by Judge Joan B. Gottschall. Filing fee \$50.00 paid, receipt number 10723272 (hp,) (Entered: 06/20/2007)
06/21/2007	● <u>28</u>	MOTION by Defendant Merchandising Technologies, Inc. for leave to file excess pages (McDonough, Thomas) (Entered: 06/21/2007)
06/21/2007	● <u>29</u>	RESPONSE by Merchandising Technologies, Inc. to MOTION by Defendant Merchandising Technologies, Inc. for leave to file excess pages <u>28</u> <i>Defendant's Preliminary Response to Plaintiffs' Motion for A Preliminary Injunction</i> (Attachments: # <u>1</u> Exhibit 1 to Brief# <u>2</u> Declaration of Jason Goldberg# <u>3</u> Declaration of Ronald J. Stern# <u>4</u> Exhibit 1 to Stern Declaration# <u>5</u> Exhibit 2 to Stern Declaration# <u>6</u> Declaration of Michael Cook# <u>7</u> Exhibit 1 to Cook Declaration)(McDonough, Thomas) (Entered: 06/21/2007)
06/21/2007	● <u>30</u>	NOTICE by Merchandising Technologies, Inc. re MOTION by Defendant Merchandising Technologies, Inc. for leave to file excess pages <u>28</u> (McDonough, Thomas) (Entered: 06/21/2007)
06/21/2007	● <u>31</u>	NOTICE of Correction regarding notice of filing <u>30</u> . (air,) (Entered: 06/22/2007)
06/21/2007	● <u>35</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Merchandising Technologies, Inc. by Bruce A Kaser; Order entered granting leave by Judge Joan B. Gottschall. Filing fee \$50.00 paid, receipt number 10649436 (hp,) (Entered: 06/26/2007)
06/22/2007	● <u>32</u>	NOTICE of Motion by Thomas C. McDonough for presentment of motion for leave to file excess pages <u>28</u> before Honorable Joan B. Gottschall on 6/28/2007 at 09:30 AM. (McDonough, Thomas) (Entered: 06/22/2007)
06/22/2007	● <u>33</u>	EXHIBIT by Defendant Merchandising Technologies, Inc. regarding response to motion,, <u>29</u> (Attachments: # <u>1</u> Exhibit 2 to Michael Cook Declaration)(McDonough, Thomas) (Entered: 06/22/2007)
06/25/2007	● <u>34</u>	MINUTE entry before Judge Joan B. Gottschall :Status hearing set for 6/27/2007 at 9:30AM is stricken. Mailed notice (rj,) (Entered: 06/25/2007)

06/27/2007	● <u>36</u>	MINUTE entry before Judge Joan B. Gottschall :MOTION by Defendant Merchandising Technologies, Inc. for leave to file in excess of fifteen pages it's response to Plaintiff's motion for preliminary injunction <u>28</u> is granted. Mailed notice (rj,) (Entered: 06/27/2007)
06/28/2007	● <u>37</u>	MOTION by Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. for leave to file <i>a brief in excess of 15 pages pursuant to Local Rule 7.1</i> (Marr, David) (Entered: 06/28/2007)
06/28/2007	● <u>38</u>	NOTICE of Motion by David Joseph Marr for presentment of motion for leave to file <u>37</u> before Honorable Joan B. Gottschall on 7/5/2007 at 09:30 AM. (Marr, David) (Entered: 06/28/2007)
06/28/2007	● <u>39</u>	REPLY by Vanguard Products Group, Inc., Telefonix, Inc. to response to motion,, <u>29</u> <i>in support of its motion for a preliminary injunction</i> (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D)(Marr, David) (Entered: 06/28/2007)
07/05/2007	● <u>40</u>	MINUTE entry before Judge Joan B. Gottschall :Plaintiffs' Motion for leave to file its reply to Defendant's preliminary response to Plaintiffs' Motion for Preliminary Injunction in excess of fifteen pages pursuant to LR 7.1 <u>37</u> is granted. Mailed notice (rj,) (Entered: 07/05/2007)
07/09/2007	● <u>41</u>	MOTION by Defendant Merchandising Technologies, Inc. for leave to file <i>a Sur-Reply to Plaintiffs' Motion for a Preliminary Injunction</i> (McDonough, Thomas) (Entered: 07/09/2007)
07/09/2007	● <u>42</u>	SUR-REPLY by Defendant Merchandising Technologies, Inc. <i>in Opposition to Plaintiffs' Motion for a Preliminary Injunction</i> (McDonough, Thomas) (Entered: 07/09/2007)
07/09/2007	● <u>43</u>	NOTICE of Motion by Thomas C. McDonough for presentment of motion for leave to file <u>41</u> before Honorable Joan B. Gottschall on 7/12/2007 at 09:30 AM. (McDonough, Thomas) (Entered: 07/09/2007)
07/10/2007	● <u>44</u>	RESPONSE by Vanguard Products Group, Inc., Telefonix, Inc.in Opposition to MOTION by Defendant Merchandising Technologies, Inc. for leave to file <i>a Sur-Reply to Plaintiffs' Motion for a Preliminary Injunction</i> <u>41</u> (Attachments: # <u>1</u> Exhibit A)(Marr, David) (Entered: 07/10/2007)
07/12/2007	● <u>45</u>	MINUTE entry before Judge Joan B. Gottschall :Defendant's Motion for leave to file a sur-reply to Plaintiffs' Motion for a Preliminary Injunction <u>41</u> is granted.Mailed notice (rj,) (Entered: 07/13/2007)
07/16/2007	● <u>46</u>	RESPONSE by Vanguard Products Group, Inc., Telefonix, Inc. to MOTION by Defendant Merchandising Technologies, Inc. to change venue <u>23</u> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Marr, David) (Entered: 07/16/2007)
07/30/2007	● <u>47</u>	REPLY by Defendant Merchandising Technologies, Inc. to motion to change venue <u>23</u> <i>Reply Memorandum in Further Support of Defendatn's Motion to Transfer Venue</i> (Attachments: # <u>1</u> Declaration of Nancie K. Potter# <u>2</u> Exhibit 1 to Potter Declaration# <u>3</u> Exhibit 2 to Potter Declaration# <u>4</u> Exhibit 3 to Potter Declaration)(Hirshfeld, Lara) (Entered: 07/30/2007)

08/03/2007	<u>48</u>	MOTION by Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. for leave to file <i>Sur-Reply</i> (Marr, David) (Entered: 08/03/2007)
08/03/2007	<u>49</u>	SUR-REPLY by Plaintiffs Vanguard Products Group, Inc., Telefonix, Inc. to motion for leave to file <u>48</u> (Marr, David) (Entered: 08/03/2007)
08/03/2007	<u>50</u>	NOTICE of Motion by David Joseph Marr for presentment of motion for leave to file <u>48</u> before Honorable Joan B. Gottschall on 8/9/2007 at 09:30 AM. (Marr, David) (Entered: 08/03/2007)
08/09/2007	<u>51</u>	MINUTE entry before Judge Joan B. Gottschall :Plaintiffs' motion for leave to file a sur-reply in opposition to Defendant's motion to transfer venue <u>48</u> is granted. Mailed notice (rj,) (Entered: 08/13/2007)
08/21/2007	<u>52</u>	MINUTE entry before Judge Joan B. Gottschall :For the reasons set forth below, defendant's Motion to transfer <u>23</u> is granted. Because the court is transferring this case to the District of Oregon, plaintiffs' motion for preliminary injunction <u>20</u> is denied without prejudice as to its renewal. It is hereby ordered that this case is transferred to the District of Oregon. Civil case terminated. Mailed notice (rp,) (Entered: 08/22/2007)
08/21/2007	<u>53</u>	ENTERED JUDGMENT (rp,) (Entered: 08/22/2007)
09/21/2007	<u>54</u>	TRANSFERRED to the USDC District of Oregon the eletronic file, certified copy of transfer order, and docket sheet. (rp,) (Entered: 09/21/2007)